

SB 124

March 17, 2011

TESTIMONIAL OUTLINE JOHN L. "PETE" HOWARD JUSTICE OF THE PEACE - TETON COUNTY

- **HISTORICAL OVERVIEW - HJ RESOLUTION 16 [2007]**

Sen. Ripley, then Rep. Ripley - Sponsor
Preface or Preamble to SB 124
Encourage Revision of Title 87 to Make Existing Codes "User Friendly"

- **REVISION OF TITLE 87 STATUTES REQUESTED**

By Howard on behalf of Montana Magistrate's Association

- **TITLE 87 (FWP) STATUTES THEN AND NOW:**

Criminal Violations Are:
Confusing/Scattered Throughout 5 Existing Chapters
Comingled With Administrative Statutes-Lacking Standard Definitions
Codes (Title 87) Not User Friendly

- **COURT DEMOGRAPHICS**

Courts of Limited Jurisdiction
Justice Courts - 60 approximately (JPs) Adjudicate 90/95% of FWP Violations
More Female Judges than Male
Many Judges (Non-Sportsmen, Hunt, Fish & Trap)

- **HOWARD**

14 Years Sheriff	----->	36 Years Familiarity
22 Years JP	----->	and Use of Statutes

- **COMPARISON**

Montana Criminal Code - Title 45
FWP Code - Title 87

- **TITLE 45** - Standard Definitions Section Precedes and Applies to All Codes
Stated Offense/Stated Penalty

- **TITLE 87** - Definitions (Working Group Computer Search Found:)

1. The following words are used **without being defined** in the title and may refer to some of the same processes and results:

- a. "revocation" regarding various licenses, etc. = 19 statutes;
- b. "revoke" = 8 statutes;
- c. "suspend" = 6 statutes;
- d. "forfeit" = 7 statutes; and
- e. "forfeiture" = 13 statutes.

The word **"suspension is in 7 statutes, including the Interstate Wildlife Violator Compact, which defines the word.**

2. The following words are used **without being defined** in the Title:

- a. "wildlife" = 144 statutes (and the Title name);
- b. "wild animals" = 8 statutes;
- c. "game" = 160 statutes, usually associated with the terms "bird," "animal," or "fish" but not always; and
- d. "big game" = 6 statutes.

The words **"game animals," "upland game birds," "migratory game birds,"** and **"game fish"** are currently defined in §87-2-101.

Non-existent or scattered

CODE - 5 Chapters (Currently)

Begins with Criminal Penalties

6 Pages - Comingled with Administrative Statutes and others

"NOT USER FRIENDLY AT PRESENT"

- **TITLE 87 REVISION PROJECT**

No Substantive Changes – Revenue Neutral

**FWP DIRECTOR APPOINTED COMMITTEE
MULTI-DISCIPLINARY INTERESTS**

JP's: John L. "Pete" Howard
Larry Carver

COUNTY ATTORNEY'S: Mike Menahan
Joe Coble
Stephen Gannon

ATTY GEN's: Barbara Harris

FWP: Jim Kropp - Chief Law Enforcement Division
Jack Lynch - Staff Attorney

CODE COMMISSION: Doug Sternberg
Hope Stockwell

● **PROJECT PROPOSAL**

CREATE NEW CHAPTER

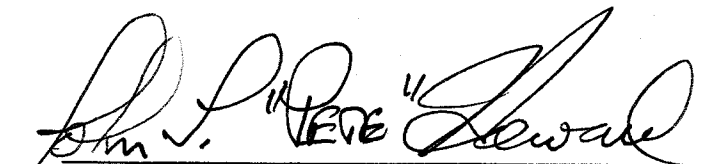
- Create "definitions" section/apply to all words/terms
- Extract all existing criminal violations;
- Relocate criminal violations in new chapter; and

**DEFINITIONS SECTION FOLLOWED BY
NEW REVISION TO LOOK LIKE CRIMINAL CODES**

- Stated Offense followed by applicable penalty

PASSAGE OF SB 124

- Would make Title 87 as it relates to criminal offenses "User Friendly"
- No Changes to Current Law
- Reorganization Only
- Revenue Neutral


John L. "Pete" Howard